Document No. 3944
Adopted at meeting of 6/5/80

MEMORANDUM JUNE 5, 1980

TO: BOSTON REDEVELOPMENT AUTHORITY

FROM: ROBERT J. RYAN, DIRECTOR

SUBJECT: AMENDMENT TO REPORT AND DECISION ON 121A APPLICATION OF HEMENWAY APARTMENTS COMPANY

On May 3, 1979, the Authority voted to adopt a Report and Decision on the Application of Hemenway Apartments Company for approval of an urban redevelopment project pursuant to Massachusetts General Laws (Ter.Ed.) Chapter 121A, as amended, and Chapter 652 of the Acts of 1960. The project provided for the rehabilitation of 183 dwelling units, for low and moderate income tenants, located on Hemenway Street and Huntington Avenue in the Fenway section of Boston.

On April 9, 1980, Hemenway Apartments Company submitted a request to amend their project approval. The Applicant requests the Authority's consent and approval to the admission of HAI Associates, Inc. as an additional General Partner of Hemenway Apartments Company. This is a change in name only, as Francis P. Burke, the present General Partner of Hemenway Apartments Company, is the sole stockholder and director of HAI Associates, Inc.

In the opinion of the Chief General Counsel, this Amendment does not represent a fundamental change and does not require a public hearing.

It is therefore recommended that the Authority adopt the attached Amendment to the Application and Report and Decision.

An appropriate vote follows:

VOTED: that the document presented at this meeting entitled, "Amendment to the Application and Report and Decision of Hemenway Apartments Company for the Authorization and Approval of a Project under Massachusetts General Laws (Ter.Ed.) Chapter 121A as Amended, and Chapter 652 of the Acts of 1960, to be undertaken and carried out by a Limited Partnership formed under Massachusetts General Laws, Chapter 109, and Approval to Act as an Urban Redevelopment Limited Partnership under said Chapter 121A" be and is hereby approved and adopted.

AMENDMENT TO THE APPLICATION AND REPORT AND DECISION OF HEMENWAY APARTMENTS COMPANY FOR THE AUTHORITIZATION AND APPROVAL OF A PROJECT UNDER MASSACHUSETTS GENERAL LAWS (TER.ED.), CHAPTER 121A AS AMENDED, AND CHAPTER 652 OF THE ACTS OF 1960, TO BE UNDERTAKEN AND CARRIED OUT BY A LIMITED PARTNERSHIP FORMED UNDER MASSACHUSETTS GENERAL LAWS, CHAPTER 109, AND APPROVAL TO ACT AS AN URBAN REDEVELOPMENT LIMITED PARTNERSHIP UNDER SAID CHAPTER 121A

On March 7, 1979, Hemenway Apartments Company submitted an Application for Approval of a Project under Massachusetts General Laws, Chapter 121A. On May 3, 1979, the Board of the Boston Redevelopment approved the Report and Decision of the Project.

On April 9, 1980, Hemenway Apartments Company submitted a request to amend their project approval to allow the admission of an additional general partner, HAI Associates, Inc. Mr. Francis P. Burke, the present general partner of Hemenway Apartments Company, is the sole stockholder and director of HAI Associates, Inc.

In the opinion of the Chief General Counsel, this Admendment does not represent a fundamental change and does not require a public hearing.

The Authority hereby approves the "Amendment to the Application and Report and Decision of Hemenway Apartment Company for the Authorization and Approval of a Project under Massachusetts General Laws (Ter.Ed.), Chapter 121A, as Amended, and Chapter 652 of the Acts of 1960, to be undertaken and Carried Out by a Limited Partnership Formed under Massachusetts General Laws, Chapter 109, and Approval to Act as an Urban Redevelopment Limited Partnership under said Chpater 121A", and hereby consents to the Amendment to the Application and Report and Decision thereon as set forth above.

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OF COUNSEL

April 9, 1980

Boston Redevelopment Authority
One City Hall Square
Boston, MA 02201

Attention: Robert J. Ryan, Director

Re: Hemenway Apartments Housing Project

Gentlemen:

Reference is made to the General Law Chapter 121A Application (the "Application"), including the Regulatory Agreement dated July 6, 1979 (the "Regulatory Agreement") between Hemenway Apartments Company, a Massachusetts limited partnership (the "Owner"), and the Boston Redevelopment Authority (the "Authority").

Paragraph 9 of the Regulatory Agreement provides that the general partners may syndicate the project, provided that the transferees agree to assume and be bound by the provisions of the Regulatory Agreement, and further, that any and all changes in the general partners are subject to the Authority's approval.

The general partner intends to admit investor limited partners to the partnership pursuant to the terms of an Amended and Restated Agreement to the Limited Partnership, a copy of which is included herewith. In addition, the general partner intends to add HAI Associates, Inc., a nominally capitalized Massachusetts corporation, as an additional general partner at the time of investor admission. (Mr. Francis P. Burke, the present general partner, is the sole stockholder and director of HAI Associates, Inc.) Pursuant to Sections III.B and 4.6C of the Partnership Agreement, the incoming general partner and limited partners agree respectively, to be bound by the Regulatory Agreement and all other project documents relating to the Hemenway project.

The Owner hereby requests the Authority's consent and approval to the admission of HAI Associates, Inc. as an additional general partner. If you have any questions or require any further information, please do not hesitate to contact the undersigned. When everything is in order, would you kindly sign a copy of this letter in order to confirm that the requirements of the Application and of the Regulatory Agreement have been satisfied.

Very truly yours,

R. Malcolm Graham

RMG/w
Enclosures
cc: Mr. Francis D. Burke
Jack Hutchinson, 121A Coordinator

Accepted and Approved:

BOSTON REDEVELOPMENT AUTHORITY

By: _____ Date: _____

HEMENWAY APARTMENTS COMPANY

AMENDMENT TO APPLICATION OF HEMENWAY APARTMENTS COMPANY FOR APPROVAL OF A PROJECT UNDER GENERAL LAWS, CHAPTER 121A, AS AMENDED AND ST. 1960, C. 652

Reference is hereby made to an Application of Hemenway Apartments Company for Approval of a Project under General Laws, Chapter 121A, as amended and St. 1960, Chapter 652, dated March 7, 1979 and approved by the Boston Redevelopment Authority (the "Authority") on May 3, 1979 (the "Application").

The Applicant hereby seeks authorization and approval of the Authority of an amendment to the Application and to the Authority's Report and Decision dated May 3, 1979, in order to reflect the addition of HAI Asscciates, Inc., a nominally capitalized Massachusetts Corporation, as an additional general partner of Hemenway Apartments Company. Mr. Francis D. Burke, the present general partner, is the sole stockholder and director of HAI Associates, Inc. Pursuant to Sections III B and 4.6C of the Partnership Agreement, the incoming General Partner agrees to be bound by the Regulatory Agreement and all other project documents relating to the Hemenway project.

The Applicant respectfully requests that the Authority find that the foregoing amendment to the Application as contained in this Amendment is not fundamental.

Executed this 22 day of May, 1980.

HEMENWAY APARTMENTS COMPANY

By _____
Francis D. Burke, General Partner

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS. May 22, 1980

Then personally appeared the above-named Francis D. Burke, General Partner of Hemenway Apartments Company, who, being duly sworn, made oath that to the best of his knowledge and belief the statements contained in the foregoing document are true, before me,

_____
Notary Public

My Commission Expires: 2/5/82